

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and
(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Fed. R. Civ. P. 6(a)(1).

Applying only Rule 6(a)(1)(A) and (B), the seventh day after Green filed her August 22, 2012, response is August 29, 2012.

Rule 6 and Nebraska Civil Rule 6.1 provide additional days for filing. “The 3-day federal mailing rule applies whether service is accomplished by mail, by leaving with the clerk, by electronic filing, or by other means to which the parties have consented.” [NECivR 6.1](#); **see** [Fed. R. Civ. P. 6\(d\)](#). In this case, Green served her response by filing the documents with the clerk of court using the electronic filing system. **See** [Filing No. 86](#) - Brief p. 31 (Certificate of Service). Green fails to show she personally served the documents. Adding three days, as dictated by Rule 6(d), and applying Rule 6(a)(1)(C) with September 3, 2012, being a legal holiday, the court calculates the deadline for the plaintiff’s reply to be September 4, 2012. September 4, 2012, is the date on which the plaintiff filed its reply materials. The plaintiff’s reply was timely filed and Green’s motion to strike must be denied. Upon consideration,

IT IS ORDERED:

Cheryl S. Green’s Motion to Strike ([Filing No. 91](#)) is denied.

DATED this 7th day of September, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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